



HOUSE BILL No. 5077

November 2, 1999, Introduced by Reps. Godchaux, Martinez, Scranton, Ehardt, Pappageorge, Woodward, Jacobs, Caul and Richner and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1027 (MCL 436.2027) and by adding section 1016.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1016. (1) AN ON-PREMISES LICENSEE MAY OFFER AND AWARD
2 AN EMPLOYEE OF THE LICENSEE UNOPENED ALCOHOLIC LIQUOR IN A SEALED
3 CONTAINER AS A GIFT OR AS A PRIZE FOR ANY ACTIVITY ALLOWED UNDER
4 THIS ACT OR RULE PROMULGATED UNDER THIS ACT.

5 (2) THE ALCOHOLIC LIQUOR GIVEN AS A GIFT OR AWARDED SHALL
6 NOT BE CONSUMED ON THE LICENSED PREMISES. THE RECIPIENT SHALL BE
7 AT LEAST 21 YEARS OF AGE.

8 Sec. 1027. (1) Unless otherwise provided by rule of the
9 commission, a person shall not conduct samplings or tastings of
10 any alcoholic liquor for a commercial purpose except at premises

1 that are licensed by the commission for the sale and consumption
2 of alcoholic liquor on the premises.

3 (2) This section does not prevent ~~a~~ EITHER OF THE
4 FOLLOWING:

5 (A) A vendor of spirits, brewer, wine maker, mixed spirit
6 drink manufacturer, small wine maker, outstate seller of beer,
7 outstate seller of wine, or outstate seller of mixed spirit
8 drink, or a bona fide market research organization retained by 1
9 of the persons named in this subsection, from conducting sam-
10 plings or tastings of an alcoholic liquor product before it is
11 approved for sale in this state if the sampling or tasting is
12 conducted pursuant to prior written approval of the commission.

13 (B) AN ON-PREMISES LICENSEE FROM GIVING A SAMPLING OR TAST-
14 ING OF ALCOHOLIC LIQUOR TO AN EMPLOYEE OF THE LICENSEE FOR THE
15 PURPOSE OF EDUCATING THE EMPLOYEE REGARDING 1 OR MORE TYPES OF
16 ALCOHOLIC LIQUOR SO LONG AS THE EMPLOYEE IS AT LEAST 21 YEARS OF
17 AGE.

18 (3) A sampling or tasting of any alcoholic liquor in a home
19 or domicile for other than a commercial purpose is not subject to
20 this section.

21 (4) For purposes of this section, "commercial purpose" means
22 a purpose for which monetary gain or other remuneration could
23 reasonably be expected.